UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,407	10/31/2000	Steven T. Kelling	10845-131	1216

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EXAMINER
FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 July 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐	Notice of References Cited (PTO-892)	4)☐	Interview Summary (PTO-413) Paper No(s). _____ .
2)☐	Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐	Notice of Informal Patent Application (PTO-152)
3)☐	Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐	Other: .

DETAILED ACTION

Response to Amendment

1.   Claims 1-24 are remained pending for examination.

Response to Applicant' Remarks

2.   Applicant's arguments filed July 23, 2003 have been fully considered but they are not

persuasive. Because of the following:

Applicant stated on page 17, that "claim 24 is neither taught nor suggest by the cited

references." It is respectively submitted that Dunworth reference discloses the claimed

limitations as follow: As per claim 24, in addition to the discussion in claim 21, Dunworth

further discloses a constructing a database to have a plurality of storage locations, each of said

storage locations being dedicated to receive data relative a corresponding one point of interest

and addressable in accordance with the geographic coordinates of the corresponding point of

interest (see cols. 8-9, lines 60-4, as each point of interest within a city, by means of the

geography database 210 a user may ascend or descend in the geography to the particular

geographic area about which information is desired);

d) addressing one of the storage locations according to the geographic coordinates of the

one point of interest (see cols. 2-3, lines 65-6, as computer network wherein a plurality of

computers have access to the computer network and an organizer executing in the computer

network, the organizer is configured to receive search requests from any one of the plurality of

computers, the organizer comprises a database of information organized into a hierarchy of

geographical areas); and

e) inputting data relative to the point of interest into the addressed storage location (see col. 13, lines 54-59, as a means for storing topical information references relating to each geographical search).

In response to applicant's argument on pages 17 and 18, that "Willis fails to supply the disclosure missing from Dunworth's teachings", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as per claim 10, Dunworth discloses the claimed subject matter except the claimed wherein said plurality of references includes longitude and latitude. However, discloses a file of place names with their distinguishing attributes and geographical coordinates such as latitude and longitude, (see col. 3, lines 36-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Dunworth and Wills with references includes longitude and latitude. Such modification would allow the combined teachings of Dunworth and Wills to improve the accuracy and the reliability

of the method and apparatus for collecting and expressing geographically referenced data, and to

provide return retrieval information in a text based format via the indexing of data through a

geographical coordinate system, (see col. 1, lines 11-13).

Claim Rejections - 35 U.S.C. § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
>
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
>
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
>
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
>
> manner in which the invention was made.

Claims 1-9 and 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 5,930,474 issued to Dunworth (hereinafter "Dunworth"), submitted by the

Applicant.

As per claim 1, Dunworth discloses a computer-implemented method for aggregating and

expressing geographically-linked data provided by a plurality of observers (see col. 6, lines 2-3),

comprises the steps of providing an interactive map capable of receiving geographical location

and associated data over the internet from said plurality of observers (see col. 6, lines 24-26, as

the ethernet link 110 communicates with a port server 112 a web organizer server 114, an email

server 116, a news server 118 and as well as other servers);

b) receiving a first <u>geographical</u> location and first associated data from a first observer (see col. 2, lines 45-47, as the user is presented with the option of accessing topically organized information from among several topic selections);

d) receiving a second location and second associated data from a second observer (see col. 10, lines 44-58, as the user selects a geographic area 'from the decision block 205 of figure two', the system of the preferred embodiment processes this request and provides the request to a search engine which searches the geography database 210 and cooperates with the search engine in order to generate the appropriate html page for display to the user, for example such a page is depicted in figure twelve in which the geography database 210 includes the information to be displayed while another database called the yellow page list description configuration database includes the display format information and the search engine combines the information from the geography database 210 and the yellow page list description configuration database to generate the html document);

e) repeating steps c) and d) with said second location and second associated data, (see cols. 2-3, lines 65-2);

f) receiving a spatial query from a user specifying at least one location on said interactive map (see col. 13, lines 11-14, as an image map query is initiated and indicates that a reference map 'i.e., either an actual map or a caricature or icon map' is associated with the specific geographic area selected by the user); and

g) providing the data records associated with the user specified at least one location (see col. 19, lines 46-50, as data stored within the geographic database 210 further includes label

fields 1315 which include text fields shown to the user as folder titles 'i.e., listed areas under the selected geographic area' for each of the parent geographic entries related to the current entry). Dunworth does not explicitly disclose the step of storing said <u>geographical</u> location and said first associated data in a database as data records <u>according to said geographical location</u>. However, Dunworth, discloses the geography database 210 and the map file 425 are accessible as if they constituted a single database using industry-standard image map programs and to store topical information references relating to each geographical search, see col. 13, lines 54-59. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Dunworth with storing said <u>geographical</u> location and said first associated data in a database as data records <u>according to said geographical location</u>. This modification would allow the teaching of Dunworth to improve the accuracy and the reliability of the method and apparatus for collecting and expressing geographically referenced data, and provide a geographical search area containing topical information, (see col. 3, lines 11-12).

As per claim 2, Dunworth discloses the step of translating said first location to one or more map coordinate points; and wherein said step of storing said first location further comprises storing said map coordinate points in said database (see col. 13, lines 35-47, as the user selects a point to visit within the image by using the mouse point-and-click selection method and the image map mouse coordinates are then transmitted via the internet link 305 to a Netscape server, within the Netscape server the image map mouse coordinates are sent to a standard common gateway interface program 420 which translates the image map mouse coordinates into a url

reference and the image map program 420 acts to read a map file 425 in order to obtain a url

reference that matches the mouse click coordinates).

As per claim 3, Dunworth discloses the step of translating said first location to a line; and

wherein said step of storing said first location further comprises storing said line in said database

(see col. 4, lines 14-18, as a means for locating on-line information comprising the steps of

organizing a database of on-line information into a plurality of geographical areas and organizing

the information corresponding to the plurality of geographical areas into one or more topics).

As per claim 4, Dunworth discloses the step of translating said first location to a polygon;

and wherein said step of storing said first location further comprises storing said polygon in said

database, (see col. 4, lines 14-18).

As per claim 5, Dunworth discloses wherein said second location overlaps said first

location (see col. 3, lines 54-56, as the area of large expanse includes a plurality of areas of

intermediate expanse and the area of intermediate expanse includes a plurality of areas of small

expanse).

As per claims 6 and 16, in addition to the discussion in claim 5, Dunworth further

discloses steps of receiving a user-specified link factor, (see col. 6, lines 46-52);

j) selecting data records from said database using said first link factor, (see col. 6, lines

60-64).

As per claim 7, Dunworth discloses the step of providing a plurality of references to each

of said locations in said interactive map, any one of said plurality of references to be used as a

location point specifier, (see col. 4, lines 14-18).

As per claim 8, Dunworth discloses wherein the step of providing a plurality of

references further comprises displaying a list of available references for a user-specified location

on the interactive map (see col. 4, lines 14-23, as a means for displaying the topics associated

with the geographical search area).

As per claim 9, Dunworth discloses wherein said interactive map has a plurality of layers

and said at least one location is specified according to layer (see col. 3, lines 18-25, as the

hierarchy has a structure comprising plural geographical levels into which the geographical areas

are geographically categorized by size to provide a low level, one or more intermediate levels

and a high level, each of the geographical levels above the lowest level encompasses a plurality

of lower level geographical areas).

As per claims 11 and 12, Dunworth discloses wherein said plurality of references include

a place name, (see col. 22, lines 36-38).

As per claim 13, the limitations of claim 13 are rejected in the analysis of claim 1, and

this is rejected on that basis.

As per claims 14 and 15, the limitations of claims 14 and 15 are rejected in the analysis

of claim 6, and these are rejected on that basis.

As per claim 17, in addition to the discussion in claim 1, Dunworth further discloses

receiving a plurality of locations and a plurality of associated data from an observer (see cols. 2-

3, lines 65-6, as computer network wherein a plurality of computers have access to the computer

network and an organizer executing in the computer network, the organizer is configured to

receive search requests from any one of the plurality of computers, the organizer comprises a

database of information organized into a hierarchy of geographical areas);

c) translating said plurality of locations to one or more map coordinate points (see col.

13, lines 35-47, as the image map mouse coordinates are then transmitted via the internet link

305 to a Netscape server, within the Netscape server the image map mouse coordinates are sent

to a standard common gateway interface program 420 which translates the image map mouse

coordinates into a url reference, the image map program 420 acts to read a map file 425 in order

to obtain a url reference that matches the mouse click coordinates);

d) storing said one or more map coordinate points and said plurality of associated data in

a spatially-linked database as data records, (see col. 13, lines 57-61).

As per claim 18, in addition to the discussion in claims 1 and 17, Dunworth further

discloses the step of accepting locations and associated data from said plurality of observers (see

col. 6, lines 24-26, as the ethernet link 110 communicates with a port server 112 a web organizer

server 114, an email server 116, a news server 118, as well as other servers);

d) translating said locations to map coordinates points (see col. 13, lines 20-31, as an

image map query may be a geographical or topical query which is made by clicking a system

mouse button while the mouse pointer is positioned over selected coordinates of a graphical

image);

e) relating said associated data to bird observation sites using said map coordinate points

(see col. 13, lines 35-47, as the image map mouse coordinates are then transmitted via the

internet link 305 to a Netscape server, within the Netscape server the image map mouse

coordinates are sent to a standard common gateway interface program 420 which translates the

image map mouse coordinates into a url reference, the image map program 420 acts to read a

map file 425 in order to obtain a url reference that matches the mouse click coordinates); and,

f) storing said associated data in a database at respective related bird observation sites

(see col. 13, lines 57-61, as a means for storing topical information references relating to each

geographical search).

As per claim 19, in addition to the discussion in claims 1 and 18, Dunworth further

discloses accessing said database for data records associated with said at least one bird

observation site (see col. 2, lines 45-47, as the user is presented with the option of accessing

topically organized information from among several topic selections); and

I) creating a report from data records found in step h, (see col. 2, lines 54-58).

As per claim 20, the limitations of claim 20 are rejected in the analysis of claim 18, and this claim is rejected on that basis.

As per claim 21, in addition to the discussion in claim 17, Dunworth further discloses a computer-implemented method for collecting data associated with point of interest, the location of the one point being initially undetermined, the collected data being indicative of an event occurring at the point of interest (see cols. 8-9, lines 60-4), said method comprises the steps of b) processing the relative position of the point of interest with respect to the at least one reference point to provide geographic coordinates of the one point of interest (see cols. 2-3, lines 65-12, as wherein a plurality of computers have access to the computer network and an organizer executing in the computer network, the organizer is configured to receive search requests from any one of the plurality of computers, the organizer comprises a database of information organized into a hierarchy of geographical areas, the information corresponding to each one of the hierarchy of geographical areas is further organized into topics, the organizer further comprises a search engine in communication with the database); and

c) associating the geographic coordinates with data in a geographically-linked database related to the one point of interest (see col. 19, lines 46-50, as for each parent geographic entries related to the current entry). Further, in column 8, lines 40-48, Dunworth discloses the user may desire to obtain information about some geographic area other than the area local to the user or the user may desire to obtain information about geographic areas.

As per claim 22, in addition to the discussion in claim 21, Dunworth further discloses the location of the plurality of points of interest being initially undetermined (see col. 10, lines 25-30), said method comprises the steps of downloading over the network upon request of at least cane of the plurality of data gatherers at least one geographically referenced map to the one data gatherer (see col. 10, lines 44-51), the one geographically referenced map including at least one reference point whose geographic coordinates are known and is adapted to receive a mark inputted by the data gatherer and indicative of the relative position of the one point of interest (see cols. 8-9, lines 60-4, as each point of interest within a city and by means of the geography database 210 a user may ascend or descend in the geography to the particular geographic area about which information is desired);

b) receiving at the centrally disposed data base the mark and the data related to the mark (see col. 9, lines 9-12, as a determination is made if the user has selected a local content topic); and

c) processing the relative position of the one point of interest with respect to the one reference point to provide the geographic coordinates of the one point of interest (see col. 3, lines 4-12, as the organizer comprises a database of information organized into a hierarchy of geographical areas, the information corresponding to each one of the hierarchy of geographical areas is further organized into topics, the organizer further comprises a search engine in communication with the database).

As per claim 23, the limitations of claim 23 are rejected in the analysis of claim 22, and this is rejected on that basis.

As per claim 24, in addition to the discussion in claim 21, Dunworth further discloses a

constructing <u>a</u> database to have a plurality of storage locations, each of said storage locations

being dedicated to receive data <u>relative</u> a corresponding one point of interest and addressable in

accordance with the geographic coordinates of the corresponding point of interest (see cols. 8-9,

lines 60-4, as each point of interest within a city, by means of the geography database 210 a user

may ascend or descend in the geography to the particular geographic area about which

information is desired);

d) addressing one of the storage locations according to the geographic coordinates of the

one point of interest (see cols. 2-3, lines 65-6, as computer network wherein a plurality of

computers have access to the computer network and an organizer executing in the computer

network, the organizer is configured to receive search requests from any one of the plurality of

computers, the organizer comprises a database of information organized into a hierarchy of

geographical areas); and

e) inputting data relative to the point of interest into the addressed storage location (see

col. 13, lines 54-59, as a for storing topical information references relating to each geographical

search).

4.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

5,930,474 issued Dunworth (hereinafter "Dunworth") in view of U.S. Patent No. 6,202,065

issued to Wills (hereinafter "Wills").

As per claim 10, Dunworth discloses the claimed subject matter except the claimed

wherein said plurality of references includes longitude and latitude. However, Wills discloses a

file of place names with their distinguishing attributes and geographical coordinates such as

latitude and longitude, (see col. 3, lines 36-47). Therefore, it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to modify the teachings of

Dunworth and Wills with references includes longitude and latitude. Such modification would

allow the combined teachings of Dunworth and Wills to improve the accuracy and the reliability

of the method and apparatus for collecting and expressing geographically referenced data, and to

provide return retrieval information in a text based format via the indexing of data through a

geographical coordinate system, (see col. 1, lines 11-13).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
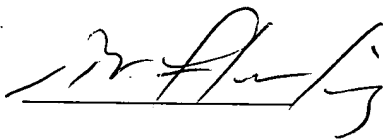
date of this final action.

Contact Information

6.   Any inquiry concerning this communication from examiner should be directed to Jean

Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through

Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's

supervisor, Mrs. KIM VU can be reached at **(703) 305-8449.** The FAX phone numbers for the

Group 2100 Customer Service Center are: *After Final* **(703) 746-7238,** *Official* **(703) 746-7239,**

and *Non-Official (703) 746-7240.* NOTE: Documents transmitted by facsimile will be entered

as official documents on the file wrapper unless clearly marked *"DRAFT".*

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group 2100 Customer Service Center receptionist whose telephone

numbers are **(703) 306-5631, (703) 306-5632, (703) 306-5633.**

Jean Bolte Fleurantin

September 25, 2003

JBF/

SHAHID ALAM
PRIMARY EXAMINER